

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIKA LOPEZ-GARCIA,

Defendant.

**8:22–CR–252**

**ORDER GRANTING MOTION TO  
WITHDRAW AND DENYING MOTION  
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Erika Lopez-Garcia, [Filing 82](#), and the Motion to Withdraw filed by Assistant Federal Public Defender, Kelly M. Steenbock. [Filing 84](#). After Lopez-Garcia filed her Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent her pursuant to General Order No. 2023-09. [Filing 83](#). The purpose of this appointment was to determine whether Lopez-Garcia qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of U.S.S.G. § 1B1.13 or U.S.S.G. § 1B1.10 providing for the retroactive application of Amendment 821[.]” [Filing 83 at 1](#). On February 22, 2024, Ms. Steenbock moved to withdraw as counsel because “[a]t the time of sentencing, the Court considered her status as a zero-point offender and sentenced her . . . to the low end of the guidelines, as amended, with benefit of early application of U.S.S.G. § 4C1.1.” [Filing 84 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that Lopez-Garcia is not entitled to a reduction because “[t]he Court varied at sentencing to account for the defendant’s eligibility for the Zero Point Reduction. The sentence imposed was at the low end of what would be the newly calculated range.” [Filing 85 at 1](#).

The Court has conducted its own review of Lopez-Garcia’s *pro se* Motion, [Filing 82](#), along with other relevant matters in the record. The Court concludes that Lopez-Garcia is not entitled to

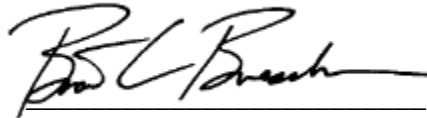
the sentencing relief she seeks. Her *pro se* Motion, [Filing 85](#), is therefore without merit and will be denied. The Court likewise concludes that Ms. Steenbock's Motion to Withdraw should be granted for the reasons she set forth in her Motion. Accordingly,

IT IS ORDERED:

1. Assistant Federal Public Defender Kelly M. Steenbock's Motion to Withdraw, [Filing 84](#), is granted; and
2. Erika Lopez-Garcia's *pro se* Motion to Reduce Sentence, [Filing 82](#), is denied.

Dated this 11th day of March, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'B. C. Buescher', written over a horizontal line.

Brian C. Buescher  
United States District Judge